

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

ROBERT HOLMAN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:21-cv-01085-STA-jay
)	
THOMAS J. VILSACK, in his official)	
capacity as Secretary of the United States)	
Department of Agriculture, and)	
)	
ZACH DUCHENEAUX, in his official)	
capacity as Administrator of the Farm Service)	
Agency,)	
)	
Defendants.)	

ORDER REQUIRING ADDITIONAL BRIEFING

Plaintiff has filed a motion for attorney’s fees, costs, and expenses. (Doc. No. 85.) Subsequent to the briefing on the motion, the Sixth Circuit Court of Appeals issued its decision in *Tennessee State Conf. of NAACP v. Hargett*, 53 F.4th 406 (6th Cir. 2022). In that decision, a divided panel upheld the district court’s award of attorney’s fee to the plaintiffs as prevailing parties even though the Tennessee legislature repealed the statutory provisions that the district court had enjoined, thereby rendering the case moot.

Defendants are hereby instructed to file a supplemental brief within twenty-one (21) days explaining why *Tennessee State Conf. of NAACP* is not controlling to the issue presented in Plaintiff’s motion. Plaintiff will then have twenty-one (21) days to respond to Defendants’ supplemental brief.

The parties are encouraged to work together to see if they can resolve the issue of attorney's fees, costs, and expenses without court intervention.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
CHIEF UNITED STATES DISTRICT JUDGE

Dated: November 29, 2022